

**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

**168.737 Manner of marking ballot.**

Sec. 737. The elector shall then go directly into a booth which is unoccupied and indicate in the following manner, with pencil or pen on the proper ballot, the candidate or candidates for whom the elector desires to vote:

(a) If the elector desires to vote a straight ticket, the elector may make a cross (X) or a check mark ( ) in the circle under the name of that party at the head of the ballot. Nothing further need be done.

(b) If only 1 candidate is to be elected to an office and the elector desires to vote for a candidate not on the elector's party ticket, the elector should make a cross (X) or a check mark ( ) in the circle under the name of the elector's party, and also make a cross (X) or a check mark ( ) in the square before the name of the candidate for whom the elector desires to vote on the other ticket. In such case, it shall not be necessary to cross off the name of the candidate on the elector's party ticket. If the elector votes for more than 1 candidate for the same office where only 1 candidate is to be elected to the office, the ballot shall not be counted for either of the candidates and shall be as to those candidates considered null and void.

(c) If 2 or more candidates are to be elected to the same or like office, such as coroners, and the elector desires to vote for a candidate or candidates not on the elector's party ticket for the office, the elector should mark a cross (X) or a check mark ( ) in the circle under the elector's party name, and mark a cross (X) or a check mark ( ) in the square before the name or names of the candidate or candidates for whom the elector desires to vote on the other ticket or tickets, and also cross off an equal number of names of the candidates for the office on the elector's party ticket; but if the elector fails to cross off the names of an equal number of candidates for the office on the elector's party ticket, the elector shall be considered to have crossed off the name of each candidate for the office which is printed on the elector's party ticket opposite the name of the candidate on some other party ticket in front of which name the elector has made a cross (X) or a check mark ( ).

(d) If the elector wishes to vote for a candidate not on any ticket, the elector may write or place the name of that candidate on the elector's ballot opposite the name of the office and make a cross (X) or a check mark ( ) in the circle under the party name.

(e) A ballot marked with a cross (X) or a check mark ( ) in a circle under a party name shall be considered a vote for each of the candidates named in the party column whose name is not crossed off, except those candidates where a cross (X) or a check mark ( ) is placed in the square before the name of some opposing candidate on another ticket, or where there is written or pasted on the party ticket a name which is not printed on any party ticket.

(f) If the name of any person who is not a candidate on any ticket is written or placed on the party ticket opposite the name of the office and there is a cross (X) or a check mark ( ) in the circle under the party name, the name so written or placed shall be counted 1 vote for the person, whether the original name on the party ticket is erased or not, excepting cases where there is a cross (X) or a check mark ( ) in the square before the name of some opposite candidate on some other party ticket.

(g) If a cross (X) or a check mark ( ) is not placed in the circle under the party name, a cross (X) or a check mark ( ) in the square before the name of any candidate shall be considered a vote for that candidate except in cases where the elector votes for more candidates for the same office than are to be elected.

(h) An elector shall indicate the elector's preference on any constitutional amendment or other submitted question by making a cross (X) or a check mark ( ) in the square in front of the word "Yes" or in the square in front of the word "No" opposite or below the question on the proper ballots.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

**Compiler's note:** This section was amended by Act 240 of 1964, but that act was disapproved by the voters in the November, 1964, election.

Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:

**"A REFERENDUM ON PUBLIC ACT 269 OF 2001—AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW**

Public Act 269 of 2001 would:

- Eliminate “straight party” vote option on partisan general election ballots.
- Require Secretary of State to obtain training reports from local election officials.
- Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.
- Require expedited canvass if presidential vote differential is under 25,000.
- Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit

voters in polls to correct errors.

—Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_”

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular name:** Election Code